IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

ASD SPECIALITY HEALTHCARE, INC., d/b/a ONCOLOGY SUPPLY COMPANY 2801 Horace Shepard Drive, Dothan, Alabama 36303, Plaintiff, NO.: vs. ROBERT G. HICKES, M.D., 1301 Trumansburg Road, Suite Q Ithaca, New York 14850, Defendant.	)))))))))))))))) CIVIL ACTION 1:05CV592-T

AFFIDAVIT OF ROBERT G. HICKES, M.D.

STATE OF NEW YORK   )

COUNTY OF Tompkins   )

Before me, the undersigned Notary Public, in and for said State and in said County, personally appeared Robert G. Hickes, M.D., who, first being duly sworn, deposes and says as follows:

1.   My name is Dr. Robert Hickes. I am a defendant in the referenced action.

2.   My professional corporation, Robert G. Hickes, M.D., P.C. (the "P.C."), has now been added as a defendant in this action. I am authorized to execute this affidavit on its behalf.

3.   Unless otherwise set forth, the facts and statements contained herein are based on my personal knowledge.
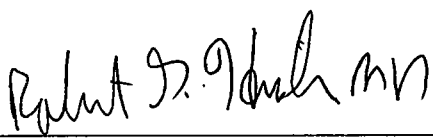
4.   Prior to October, 2003, I was in medical practice with Dr. Tyler. He and I dealt with ASD Specialty Healthcare, Inc., d/b/a Oncology Supply Company ("ASD") for some 15 to 20 years.

5.   After Dr. Tyler retired, I continued to utilize products from ASD. ASD invoiced me for the products, not the P.C.
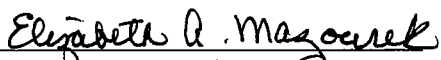
6.   ASD never requested that the P.C. sign a guaranty or any other commitment to pay for the products which were invoiced to me.

7.   All of the products which are the subject of this action were invoiced to me, not the P.C.

Further affiant saith not.

_____
Robert G. Hickes, M.D.

Sworn and subscribed before me
this 20ᵗʰ day of April, 2006.

_____
NOTARY PUBLIC
My Commission expires: _5/31/07_

ELIZABETH MAZOUREK
Notary Public, State of New York
Qualified in Tompkins County
No. 4702465
Term Expires